



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRES RAFAEL VIOLA,

Defendant.

Case No.:

**Preliminary Order of Forfeiture**

This Court finds Andres Rafael Viola pled guilty to Counts One and Two of a Two-Count Criminal Information charging him in Count One with sexual exploitation of children in violation of 18 U.S.C. § 2251(a) and in Count Two with possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Criminal Information, ECF No. \_\_; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds Andres Rafael Viola agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. \_\_; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offenses to which Andres Rafael Viola pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. §§ 2251 and 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of 18 U.S.C. §§ 2251(a) and 2252A(a)(5)(B); (2) any property, real or personal,

1 constituting or traceable to gross profits or other proceeds obtained from violations of 18  
2 U.S.C. §§ 2251(a) and 2252A(a)(5)(B); and (3) any property, real or personal, used or  
3 intended to be used to commit or to promote the commission of 18 U.S.C. §§ 2251(a) and  
4 2252A(a)(5)(B) or any property traceable to such property, and is subject to forfeiture  
5 pursuant to 18 U.S.C. § 2253(a)(1), (a)(2), and (a)(3):

- 6 1. Samsung Chromebook, Model XE500C12, S/N OGX591LG506256T;
  - 7 2. Samsung Galaxy S9 Plus 128 GB, Model SM-G965U, S/N  
8 R38K60KDFAP, IMEI 354649091346938;
  - 9 3. Dell Latitude Laptop, Model 7480, S/N 3XYX9H2; and
  - 10 4. SanDisk 512 SSD Mini SATA Card, Model X400M, S/N 171101421467
- 11 (all of which constitutes property).

12 This Court finds that the United States of America may amend this order at any time  
13 to add subsequently located property or substitute property to the forfeiture order pursuant  
14 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

15 This Court finds the United States of America is now entitled to, and should, reduce  
16 the aforementioned property to the possession of the United States of America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
18 DECREED that the United States of America should seize the aforementioned property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
20 rights, ownership rights, and all rights, titles, and interests of Andres Rafael Viola in the  
21 aforementioned property are forfeited and are vested in the United States of America and  
22 shall be safely held by the United States of America until further order of the Court.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
24 of America shall publish for at least thirty (30) consecutive days on the official internet  
25 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
26 describe the forfeited property, state the time under the applicable statute when a petition  
27 contesting the forfeiture must be filed, and state the name and contact information for the

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1 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
2 and 21 U.S.C. § 853(n)(2).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
4 or entity who claims an interest in the aforementioned property must file a petition for a  
5 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
6 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §  
7 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
8 right, title, or interest in the forfeited property and any additional facts supporting the  
9 petitioner's petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
11 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,  
12 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was  
13 not sent, no later than sixty (60) days after the first day of the publication on the official  
14 internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
16 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
17 Attorney's Office at the following address at the time of filing:

18 Daniel D. Hollingsworth  
19 Assistant United States Attorney  
James A. Blum  
20 Assistant United States Attorney  
501 Las Vegas Boulevard South, Suite 1100  
21 Las Vegas, Nevada 89101.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
23 described herein need not be published in the event a Declaration of Forfeiture is issued by  
24 the appropriate agency following publication of notice of seizure and intent to  
25 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
2 copies of this Order to all counsel of record.

3 DATED 2/20/2020, 2020.

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6 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

A copy of the foregoing was served upon counsel of record via Electronic Filing on  
DATE, 2020.

/s/ Heidi L. Skillin  
HEIDI L. SKILLIN  
FSA Contractor Paralegal